

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Jonathan M. Kirshbaum
5 Assistant Federal Public Defender
6 New York State Bar No. 2857100
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 jonathan_kirshbaum@fd.org
11

12 *Attorney for Petitioner Janet Hiller

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA
15

16 Janet Hiller,

17 Petitioner,

18 v.

19 Dwight Neven, *et al.*,

20 Respondents.

Case No. 2:19-cv-00260-RFB-EJY

**Unopposed motion for extension of
time to file Second Amended
Petition**

(Third Request)

21 Petitioner Janet Hiller moves for an extension of time of 31 days, up to and
22 including Monday, March 16, 2020 to file the Second Amended Petition. Respondents
23 do not oppose this request.
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POINTS AND AUTHORITIES

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2 1. Petitioner Janet Hiller filed a first amended petition on June 28, 2019.
3 ECF No. 12. At the same time, she moved for leave to file a second amended petition.
4 ECF No. 14. On July 15, 2019, this Court granted the motion and ordered the second
5 amended petition to be filed by October 15, 2019. ECF No. 16. Hiller's two previous
6 60-day extensions of time were granted, ECF Nos. 19, 21, making February 14, 2020,
7 the current deadline to file the second amended petition.

8 2. Counsel for Hiller requests a third extension of time of 31 days to file
9 the second amended petition. This Office's continuing investigation of the case as
10 well as counsel's administrative obligations as Chief have prevented counsel from
11 meeting the current deadline.

12 3. Over the past month, counsel has done a significant amount of work on
13 the petition and the investigation has taken significant steps forward. However,
14 counsel is currently waiting on two declarations to be signed and returned to him. In
15 addition, counsel is waiting on medical records that were ordered back in January.
16 Counsel believes that both the declarations and the records should be received within
17 the next 31 days.

18 4. In addition to the continuing investigation, counsel's administrative and
19 management responsibilities have consumed a significant portion of his time.
20 Undersigned counsel was promoted to Chief of the Non-Capital Habeas Unit on July
21 1, 2019. As a result, undersigned counsel has continued to dedicate a great deal of
22 time over the last two months focusing on administrative and management tasks.
23 This included preparing and presenting a CLE on ineffective assistance of counsel
24 standards. Further, counsel has had to supervise and train two new attorneys, which
25 included reviewing several pleadings and accompanying them on multiple prison
26 visits to meet their new clients. Counsel has also needed to replace a clerical assistant
27 and start the process for hiring a new attorney to replace an attorney leaving the

1 unit. This last task has included a significant amount of time and energy trying to
2 figure out how to address the departing attorney's pending cases. At the same time,
3 undersigned counsel maintains a caseload. Within the past two months, undersigned
4 counsel has had to prepare and file two cert. petitions, draft a motion in state court.

5 5. For these reasons, counsel is requesting an additional 31 days to file the
6 second amended petition.

7 6. On February 12, 2020, counsel for respondents, Deputy Attorney
8 General Jaimie A. Stilz, indicated by email respondents do not oppose this request
9 with the understanding that the lack of objection is not a waiver or concession of any
10 kind.

11 7. This motion is not filed for the purpose of delay, but in the interests of
12 justice, as well as in the interest of Ms. Hiller. Counsel for Petitioner respectfully
13 requests that this Court grant this motion and order Petitioner to file the Second
14 Amended Petition no later than Monday March 16, 2020.

15 Dated February 13, 2020.

16 Respectfully submitted,

17 Rene L. Valladares
18 Federal Public Defender

19 /s/ Jonathan M. Kirshbaum
20 Jonathan M. Kirshbaum
21 Assistant Federal Public Defender

22 IT IS SO ORDERED:

23 
24 RICHARD F. BOULWARE, II
25 UNITED STATES DISTRICT JUDGE

26 DATED this 18th day of February, 2020.
27

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 13, 2020, I electronically filed the foregoing with
3 the Clerk of the Court for the United States District Court, District of Nevada by
4 using the CM/ECF system.

5 Participants in the case who are registered CM/ECF users will be served by
6 the CM/ECF system and include: Jaimie Stiliz.

7 I further certify that some of the participants in the case are not registered
8 CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or
9 have dispatched it to a third party commercial carrier for delivery within three
10 calendar days, to the following non-CM/ECF participants:

11 Janet Hiller
12 #82339
13 Jean Conservation Camp
14 3 Prison Road
15 P.O. Box 19859
16 Jean, NV 89019

15 /s/ Richard D. Chavez
16 An Employee of the
17 Federal Public Defender,
18 District of Nevada
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